

1 _____)
 2 JIM CORNETT, on behalf of himself and others)
 3 similarly situated,)
 4 Plaintiff,)
 5 v.)
 6 NETFLIX, INC., and WALMART.COM USA LLC,)
 7 Defendants.)
 8 _____)
 9 OSCAR MACIAS, on behalf of himself and others)
 10 similarly situated,)
 11 Plaintiff,)
 12 v.)
 13 NETFLIX, INC., and WALMART.COM USA LLC,)
 14 Defendants.)
 15 _____)
 16 JESSE RANDLE, on behalf of himself and others)
 17 similarly situated,)
 18 Plaintiff,)
 19 v.)
 20 NETFLIX, INC., and WALMART.COM USA LLC,)
 21 Defendants.)
 22 _____)
 23)
 24)
 25)
 26)
 27)
 28)

No. C 09-00961-PJH

1 WHEREAS, two actions currently are pending in the Superior Court of the State of
2 California for the County of Santa Clara before the Hon. Joseph H. Huber, *In re Netflix Antitrust*
3 *Litigation*, Case No. 1:09-cv-138096 (the “State Actions”);

4 WHEREAS, the above-captioned actions (the “Removed Actions”) were filed in the
5 Superior Court of the State of California for the County of Santa Clara, and were removed to the
6 United States District Court for the Northern District of California, where they are currently
7 pending;

8 WHEREAS, both the State Actions and the Removed Actions assert claims only for
9 violations of California antitrust laws on behalf of putative classes of California residents or
10 citizens, based on common allegations that Netflix, Inc. and Walmart.com USA LLC entered into
11 a *per se* illegal agreement to divide the markets for the sale and online rental of DVDs in the
12 United States for the purpose and with the effect of monopolizing and unreasonably restraining
13 trade in the online DVD rental market;

14 WHEREAS, on March 30, 2009, Plaintiffs in the Removed Actions moved to remand
15 those actions to the Superior Court of the State of California for the County of Santa Clara;

16 WHEREAS, on May 4, 2009, the parties submitted two stipulations and proposed case
17 management orders to the Hon. Joseph H. Huber, concerning the consolidation and management
18 of the State Actions and the Removed Actions (the “Case Management Orders”);

19 WHEREAS, the parties agreed to a stipulated remand of the Removed Actions to the
20 Superior Court of the State of California for the County of Santa Clara, upon entry of the proposed
21 Case Management Orders by the Hon. Joseph H. Huber;

22 WHEREAS, on May 5, 2009, the Hon. Joseph H. Huber entered the Case Management
23 Orders;

24 The parties HEREBY stipulate and agree that the Removed Actions will be remanded to
25 the Superior Court of the State of California for the County of Santa Clara, to be consolidated with
26 the State Actions pending before the Hon. Joseph H. Huber.

1 Dated: May 6, 2009.

Respectfully submitted,

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23 *Attorneys for Defendant Walmart.com USA*
24 *LLC*

25 *And attests in accordance with General Order*
26 *No. 45 X. B. that concurrence in the filing of the*
27 *document has been obtained from each of the*
28 *undersigned counsel:*

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IT IS SO ORDERED.

Date: May 8, 2009.

